



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,351	11/21/2003	Deon John Potgieter	LMOL01-0004	9879
33213	7590	07/19/2005	EXAMINER	
MARK O. LOFTIN 1990 BRADSHIRE DR. MOBILE, AL 36695			BASICHAS, ALFRED	
			ART UNIT	PAPER NUMBER
			3749	
DATE MAILED: 07/19/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/718,351	Applicant(s) POTGIETER ET AL.	
	Examiner Alfred Basichas	Art Unit 3749	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7,9-12 and 21-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,9-12 and 21-23 is/are rejected.
- 7) ☒ Claim(s) 7 and 24-26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/5/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The Information Disclosure Statement filed July 5, 2005, has been considered. However, citations 1 and 2 have been crossed off as they are directed to patent applications for which no copies have been submitted. Nevertheless, published equivalents have been cited on the attached USPTO Form-892.

Claim Objections

2. Claim 25 is objected to because of the following informalities: There appears to be a typographical error in that the claim is dependent on itself. The claim has been treated as depending from claim 24. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 5, 9, 11, 12, and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Houseman (3,982,910), which shows all of the claimed limitations.

Houseman shows, among other things, a method of combustion including establishing a combustion zone 56 spaced from a fuel nozzle and defined by a flame of ignited hydrogen (see at least fig. 5), dispersing a liquid primary fuel through the nozzle into the zone of combustion in a partially vaporized and atomized state (see at least col. 2, lines 12-23, and fig. 6), and burning the vaporized and atomized liquid primary fuel entering the zone of combustion. Houseman further shows rotating the hydrogen flame (see at least fig. 6) with discharge openings radially spaced from the longitudinal axis and angled toward the central axis, wherein the combustion zone is defined by a conical surface symmetric about the longitudinal axis (see at least fig. 5,6), and wherein water or steam is added and mixed with the fuel to reduce soot (see at least the Background section).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 3, 4, 6, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Houseman (3,982,910), which discloses substantially all of the claimed limitations. Nevertheless, Houseman does not specifically recite the claimed speed and range. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated the claimed speed and range into the invention disclosed by Houseman, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable values and ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

9. Claims 10 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Houseman (3,982,910), which discloses substantially all of the claimed limitations. Nevertheless, Houseman does not specifically recite the use of electrolysis of water as a source for hydrogen and oxygen. Official Notice is given that electrolysis of water as a source for hydrogen and oxygen is old and well known in the art. Such an

Art Unit: 3749

arrangement has the clear and obvious benefit of providing for a practically unlimited supply of the gasses. As water is relatively plentiful, electrolysis of water to separate the hydrogen and oxygen molecules found in H₂O is one of the most prevalent and convenient sources of the components necessary in hydrogen fuel cell technology. Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate electrolysis of water as a source for hydrogen and oxygen into the invention disclosed by Housemen, so as to provide for a plentiful supply of Hydrogen and Oxygen.

Allowable Subject Matter

10. Claims 7 and 24-26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Prior Art

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. These references disclose burners with many, if not all, of the claimed components. Nevertheless, in order to avoid overburdening the applicant with redundant rejections, these references were not applied.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alfred Basichas whose telephone number is 571 272 4871. The examiner can normally be reached on Monday through Friday during regular business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ira Lazarus can be reached on 571 272 4877. The fax phone numbers for the organization where this application or proceeding is assigned are 703 872 9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Tech Center telephone number is 571 272 3700.

July 14, 2005


Alfred Basichas
Primary Examiner